

FILED

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

TYLER J. ROSEBURROW,

Defendant.

4:21CR544 HEA/SRW

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jonathan A. Clow, Assistant United States Attorney for said District, and moves the Court to order the defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of the defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, et seq. In support of this motion, the Government states as follows:

1. Defendant is charged with escape from federal custody, in violation of Title 18, United States Code, Section 751(a).
2. Both the nature and circumstances of the charged offense and the weight of the evidence in this case warrant the defendant's detention pending trial. *See* 18 U.S.C. § 3142(g)(1) and (2). The facts in this case show that the defendant walked away from federal custody at the Dismas House of St. Louis, where he was serving a sentence of incarceration for possession of a firearm as a felon, in violation of Title 18, United States Code, Section 922(g). *See United States v. Roseburrow*, Case No. 4:16-CR-00504 CEJ (E.D. Mo.), Doc. No. 61 (Judgment in a Criminal

Case). Given that the defendant, when given the opportunity, escaped from his court-ordered confinement, there is little reason to believe that the defendant would abide by any court-ordered pretrial release conditions or appear as required in this case.

3. The defendant's conduct after escaping from the Dismas House also shows that the defendant poses a serious risk of flight and that his release would pose a danger to the community. *See* 18 U.S.C. § 3142(g)(4). The defendant is currently awaiting trial on charges of first-degree burglary, first-degree robbery, and armed criminal action in connection with a robbery that occurred after the defendant escaped from the Dismas House. *See State v. Roseburrow*, Case No. 21SL-CR00059-01 (St. Louis County Cir. Court). The defendant is currently detained at the St. Louis County Justice Center. In addition, the evidence shows that the defendant fled out-of-district after committing this crime; the defendant was apprehended in Houston, Texas after warrants were issued out of St. Louis County for the defendant's arrest.

4. Finally, the defendant's history and characteristics warrant pretrial detention. *See* 18 U.S.C. § 3142(g)(3). In particular, the defendant's criminal history displays a pattern of criminal behavior and failure to comply with conditions of release. Of note, the defendant, after pleading guilty to second-degree burglary and theft in 2007, was granted a suspended imposition of sentence and sentenced to probation. *See State v. Roseburrow*, Case No. 2107R-01337-01 (St. Louis County Cir. Court). Due to numerous violations of his probation, the defendant's probation was revoked, and he was sentenced to one year incarceration. In 2013, the defendant pleaded guilty to unlawful possession of a firearm and was sentenced to probation in St. Louis County Circuit Court. *See State v. Roseburrow*, Case No. 13SL-CR01671-01 (St. Louis County Cir. Court). Defendant again violated the terms of his probation, his probation was revoked, and he was sentenced to five years' incarceration.

WHEREFORE, there are no conditions or combination of conditions that will reasonably assure the defendant's appearance as required and the safety of any other person and the community and the Government requests this Court to order the defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of the defendant's initial appearance.

Respectfully submitted,

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